

Jury Committee
Judicial Conference of Indiana

September 11, 2002
Minutes

1. Members present. The following members of the committee were present: Jeffrey Heffelfinger, Mark McIntosh, Kenneth Scheibenberger, Craig Bobay, John Pera, Diane Kavadias Schneider, Sheila Carlisle, Michael Peyton, Earl Penrod, William Hughes, Brent Dickson, and Ernest Yelton, Chair
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Welcome. Judge Yelton opened the meeting by welcoming the committee and each member of the committee was introduced. Judge Yelton gave an overview of the Jury Sessions that would take place on September 12, 2002.
4. History. Judge Yelton explained the history behind the formation of the Jury Rules. The Judicial Administration Committee had begun work on jury reform and later the Citizens Commission also began working on these issues. After surveys and public meetings, both the Judicial Administration Committee and the Citizens Commission developed recommendations for jury reform. Each member received a copy of the Reports of the Citizens Commission and the Judicial Administration Committee published January 2000. These recommendations were presented to the Supreme Court Rules Committee, which made some recommendations to the Supreme Court. The Supreme Court then adopted the Indiana Jury Rules. Also, various news articles were given to committee members relating to the Jury Rules and jury issues.
5. Committee Projects. The first project is Rule 11 – Juror Orientation. A juror orientation will have to be approved of by the Board of Directors of the Judicial Conference in December.

The second project will be Rule 2- Jury Pool. The committee may be able to discuss with the major entities to see how courts can comply with this rule. Judge Pera also indicated that the Jury Management Association will be meeting next week to discuss this Rule. Judge Pera further indicated that by using a supplemental list in Lake County brought in a younger age range of jurors.

The third project is Rule 3 – Random Selection. The committee might be able to recommend universal software for courts to use in forming the jury pool and selecting jurors.

The fourth project is Rule 4 – Notice and Summons. The committee will need to develop standardized forms to help courts with this rule. A brief discussion was held concerning the one tier and two tier systems. The only county that the members were aware of that used the one tier system was Marion County.

The fifth project deals with Rule 6 – Exemptions. The Judicial Administration Committee had recommended a repeal of all exemptions, especially in light of the ability of jurors to defer service. This project will have to be addressed by legislation.

The sixth project deals with Rule 7 – Deferrals. The committee will need to develop a model form and recommend a procedure for courts to handle these requests.

The seventh project will be Rule 8 – Documentation. The committee will need to develop a “user-friendly” way of dealing with all the disqualifications, deferrals, exemptions and excusals under the rules and the documentation relating to these options. Also, a procedure for keeping these documents should be developed. The committee also

discussed whether or not excusals would still exist under the rules. The rules are silent as to this point. Justice Dickson suggested that the Citizens Commission may have adopted deferrals with the idea that everyone should serve.

The eighth project concerns Rule 10 – Juror safety. The committee will work on developing a sample questionnaire for future use. Judge Hughes suggested that special questionnaires could be used for specific types of cases (i.e. sex crimes, etc.).

The ninth project deals with Rule 14 – Introduction. The committee should make recommendations in this area regarding whether this means just reading the preliminary instructions or is more required under the rule.

The tenth project is Rule 20 – Preliminary Instructions. The committee should develop a recommended procedure for handling juror questions. The Civil Instructions and Criminal Instructions Committees each have developed pattern instructions and this committee may have to decide between these instructions.

The eleventh project relates to juror notebooks. The committee needs to develop a model notebook and a policy for handling the notebooks (i.e. attorneys making the copies for the books, securing the books overnight, etc.).

The twelfth project concerning Final Instructions involves clarifying the “and” in Rule 26.

The thirteenth project would be considering additional legislative proposals relating to juror compensation, repealing conflicting statutes, and discussing an amendment to the Indiana Constitution concerning criminal juries deciding the law.

The fourteenth project is for the committee to serve as a central depository for questions, suggestions, and updates concerning the Jury Rules. Also, the committee should make some recommendations concerning Rule 28 in light of the recent cases on the issue of jury impasse.

The fifteenth project is to develop an exit survey to be used so the committee will be able to receive feedback from jurors, which will help frame future recommendations.

Finally, the sixteenth project, suggested at the meeting, concerns jury deliberations. The committee should develop an orientation for deliberations to assist jurors in conducting and participating in this process.

6. Sub-committees. Because the Rules are effective on January 1st and some of these projects need to be addressed before January 1st, two sub-committees were formed.

The first sub-committee will be working on the Rule 11 - Orientation. The sub-committee members are Judge Scheibenberger, Justice Dickson, and Judge Hughes as Chair. Judge Yelton expressed a vision that the orientation ultimately be in video form and contain an introduction by the Chief Justice, an overview of the state rules, and a local segment outlining more specific information for the jurors.

The second sub-committee will be working on Rule 2 - Jury Pool. The sub-committee members are Judge McIntosh, Mag. Bobay, and Judge Pera as Chair. This sub-committee will be working on contacting some of the major sources for supplemental lists to determine how the lists can be obtained and in what formats in order to assist courts in complying with this rule.

7. Future meetings. The Committee set the following meeting dates: Friday, October 11, 2002 at 11 a.m.; Friday, November 15, 2002 at 11 a.m.; and Wednesday, December 4, 2002 at 11 a.m. All meetings will take place at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman